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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/707,664 | 11/07/2000 | Kim Y. Kao | 003115.P002XD | 9314 |

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EXAMINER

PEYTON, TAMMARA R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2182

DATE MAILED: 02/17/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,664

Applicant(s)

KAO ET AL.

Examiner

Tammara R Peyton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 39-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 39-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 39-45 and 47-59 are rejected under 35 U.S.C. 102(e) as being anticipated by *Pardo et al.*, (US 6,008,597).
2. As per claim 39, *Pardo* teaches a system comprising:

- a vending machine including (i) a plurality of coils onto which items are attached and (ii) a plurality of motors to control rotation of the plurality of coils for dispensing the items;
- a controller to generate control signals including user interface control signals;
- a display responsive to the user interface control signals to interactively prompt a user to provide user inputs to the controller, the user inputs including selection of an item to be dispensed; and
- switching control circuitry connected to each of the plurality of motors of the vending machine, the switching control circuitry, responsive to the control signals, to provide power to at least one of the plurality of motors to dispense the selected item, wherein
- the controller to monitor and analyze power profiles (low, normal, or high current levels) of each of the plurality of motors to determine a condition experienced by the vending machine that requires human intervention (i.e. out of stock or jam condition, Abstract, col. 2, lines 9-col. 8, lines 1-45, Figs. 1-12).

3. As per claims 47 and 54, *Pardo* teaches a system for controlling dispensation of an item from an apparatus, comprising:

- a display responsive to the user interface control signals to interactively prompt a user to provide user inputs to the controller, the user inputs include selecting activation of power supplied to a motor associated with the apparatus; and

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- a controller to generate control signals including the user interface control signals, the controller executing software adapted for monitoring and analyzing power profiles of the motor to determine a condition experience by the apparatus that requires human intervention; and
- a switching control circuitry communicatively coupled to the controller, the switching control circuitry to supply the power to the motor in response to the control signals in order to cause rotation of a coil to dispense the item.

4. As per claim 55, *Pardo* system comprising:

- a vending machine including a plurality of electrically powered devices; and
- means for receiving inputs from a user and transferring signals based on the user inputs;
- means for generating control signals based on the user inputs; and

means for providing power to a selected electrically powered device of the plurality of electrically powered devices of the vending machine to dispense an item in response to the control signals, the selected electrically powered device is a motor to control a corresponding dispensing mechanism upon which the item is initially attached before being dispense; and

- means for monitoring and analyzing power profiles (low, normal, or high current levels) of each of the plurality of motors to determine a condition experienced by the vending machine that requires human intervention (i.e. out of stock or jam condition).

5. As per claims 40, 48, and 56, *Pardo* teaches wherein the controller executes a software module that causes the controller to record the power profiles and to compare the power profiles with power profiles pre-stored in a database.
6. As per claims 41, 49, and 57, *Pardo* teaches wherein the condition is a failure to dispense the selected item. (out of stock or jam condition)
7. As per claims 42, 50, and 58, *Pardo* teaches wherein the power profiles are a function of amperage and time.
8. As per claims 43 and 53, *Pardo* teaches wherein each power profile can be mapped to one of a plurality of operations by the vending machine.
9. As per claims 44 and 51, *Pardo* teaches wherein the condition is experienced by one of the plurality of motors.
10. As per claims 45, 52, and 59, *Pardo* teaches wherein during the condition, a lesser amount of power is drawn by the motor.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Pardo et al.*, (US 6,008,597).

12. As per claim 46, *Pardo* does not teach wherein the item includes an office supply. Nonetheless, the office is taking the position that *Pardo's* vending machine could be modified to dispense a host of items and not depart from the inventive concept.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (703) 306-5508. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin, can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is (703)

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305-3718. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(703) 872-9306

Hand-delivered responses should be brought to:

USTPO, 2011 South Clark Place, Customer Window
Crystal Plaza Two, Lobby Room 1B03, Arlington, VA, 22202Crystal Park II, 2121.



Tammara Peyton

February 12, 2004